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DEPARTMENT OF JUSTICE

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PLEASE REPLY TO :

[New Castle County-Civil Division]

November 2, 2005

James Hall  
SBI # 167581  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**Re: *James Hall v. David Holman, et al.***  
**C.A. No. 04-1328-GMS**

Dear Mr. Hall:

State defendants have received your Request for Production of Documents and Request for Admissions. The State defendants have until December 12, 2005 to file an answer to your Complaint. The State defendants expect to respond to your Complaint with a Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12. Responding to your discovery requests at this time is premature. One of the purposes of allowing a party the opportunity to file a Motion to Dismiss, is so that the Court may make a decision regarding the sufficiency of the plaintiff's claims before committing resources to the discovery process. Therefore, the State defendants oppose responding to the discovery requests until the Court has the opportunity to decide if your claims state a claim for which relief can be granted.

Accordingly, please accept this letter as the Defendants' opposition to exchange of discovery information or formulation of any discovery plan until decisions have been rendered on the Motion to Dismiss, which will be filed by December 12, 2005.

Sincerely,

Lisa Barchi  
Deputy Attorney General

Xc: Clerk of Court